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September 3, 2008

### **BY E-FILING, E-MAIL, AND HAND DELIVERY**

Special Master Vincent J. Poppiti  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801

Re: *Honeywell International Inc., et al v. Apple Computer Inc., et al.*  
C.A. Nos. 04-1337-JJF, 04-1338-JJF, 04-1536-JJF, 05-874-JJF

Dear Special Master Poppiti:

Optrex writes to address a point raised by Honeywell just as Honeywell and the Manufacturer Defendants were submitting their letters and joint chart on August 27, 2008. Specifically, in his Letter Appendix of August 27, Mr. Grimm states (at page 6) that "it is prudent to go forward with a trial against the manufacturers, but *only on the assumption* that they will fully stand in for the infringement of their customers." (Attachment #2 to D.I. 1171 in C.A. No. 04-1338-JJF (emphasis in original).) Mr. Grimm then refers to territorial defenses under 35 U.S.C. § 271. The Customer Defendants, in their letter of August 28, 2008 submitted by Mr. Halkowski, also address this issue. (See D.I. 1173 in C.A. No. 04-1338-JJF.) On August 29, 2008, Mr. Grimm filed yet another letter on this topic and discussed certain suppliers - Innolux and Citizen (notably not Optrex) - who raised defenses allegedly related to their foreign supplier status. (See D.I. 1175 in C.A. No. 04-1338-JJF.)

Optrex is concerned that the section 271 issue is being raised to further delay trial. In contrast to Innolux, Citizen, and perhaps others, Honeywell has no dispute of this type with Optrex. Accordingly, this issue further supports Optrex's proposal of having a first trial on all issues involving only Optrex and Honeywell. Unlike the other remaining Manufacturer Defendants, Optrex alone filed a declaratory judgment action (C.A. No. 04-1536-JJF) for the specific purpose of defending Kyocera Wireless Corporation (KWC) products containing Optrex modules. Thus, Honeywell cannot complain that they are unable to get full relief as to Optrex. In short, Optrex remains ready and willing to go to trial with Honeywell as soon as possible, and respectfully suggests that this approach is the simplest way to move the case forward and bring it to an end.

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Respectfully,

*/s/ Karen L. Pascale*

Karen L. Pascale (#2903)

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